(Md.) 480; *Litchfield* v. *Vernon*, 41 N. Y. 123; *City of Philadelphia* v. *Field*, 58 Pa. St. 320. But in *Norwood* v. *Baker*, 172 U. S. 269, the Supreme Court decided that the assessment against property by districts without reference to the actual proportionate benefits received by each piece of property was void when such assessment exceeds the actual benefit. This same court later, however, declared that the decision in that case was limited to the peculiar circumstances there presented, and that a State legislature may authorize the creation of special taxation districts, and the assessment against properties within such districts without inquiry into the actual proportionate benefits received, either according to valuation or superficial area, *Webster* v. *Fargo*, 181 U. S. 394, or by the front foot rule, *Tonawanda* v. *Lyon*, 181 U. S. 389; 4 DILLON, MUN. CORP., Ed. 5 § 1436, ACCORD: *Prior* v. *Buehler, etc., Construction Co.* 170 Mo. 439, 71 S. W. 205. *Northern Pac. Ry. Co.* v. *Seattle*, 46 Wash. 674, 12 L. R. A. (N. S.) 121. 91 Pac. 244, 123 Am. St. Rep. 955. *Dickson* v. *Racine*, 61 Wis 545. 21 N. W. 620; *Adams* v. *City of Shelbyville, supra.* It would seem that if the legislative assignment of an improvement district is held conclusive as to the fact that all lands within the district are benefited, by a parity of reasoning it could be held that all lands without the district are conclusively presumed not to be specially benefited, proof of any actual amount of benefit being immaterial in either case. The rule in Michigan seems to be to the contrary, however. *Boussneur* v. *City of Detroit*, 153 Mich. 585. "Where property benefited by a proposed improvement is omitted from the district it will not avoid the special assessment." BALDWIN, MICH. TAXATION, p. 488. There is also a strong dissenting opinion to the same effect in the principal case.

MUNICIPAL CORPORATIONS—RECALL—MANDAMUS TO COMPEL CALLING OF RECALL ELECTION.—A city charter provided that upon the filing with the Common Council of a petition, signed by one-fourth of the registered electors and certified to by the clerk, asking for the recall of a municipal officer, the Council should order the holding of a recall election. Such a petition was filed with the City Council, asking that six of its nine members be recalled for misfeasance in office. The Council refused to order the recall election; and mandamus was sought to compel them to call such an election. *Held*, mandamus would lie. *Conn.* v. *City Council of City of Richmond* (Cal. 1912) 121 Pac. 714.

Recall provisions have been held not to be in conflict with constitutional provisions relating to tenure of office. The office is accepted subject to this power of recall in the electorate, and the duration of the term of office is dependent upon the wish of the majority as expressed at the polls. *Hilzinger* v. *Gillman*, 56 Wash. 228, 105 Pac. 471; *Bonner* v *Belsterling*, (Tex. Civ. App.) 137 S. W. 1154; *Graham* v. *Roberts*, 200 Mass. 152, 85 N. E. 1009. The ordering of a recall election on the part of the council is a purely ministerial act when the clerk has certified that the petition has been properly signed and presented. *Good* v. *Common Council of San Diego*, 5 Cal. App. 265, 90 Pac. 44. And mandamus will lie to compel it to call such election. *Good* v. *Common Council, etc., supra; Sansom* v. *Mercer*, 68 Tex. 488, 5 S. W. 62, 2

Am. St. Rep. 505. The grounds asserted by the council in the principal case for refusing to call the election were that no sufficient grounds were stated in the petition for causing the removal of the officers. This decision adds to the growing body of recall legislation the principle that courts cannot pass upon the sufficiency of the grounds alleged in asking for a recall. "It is clearly the privilege of the people at the polls, rather than the province of the courts, to pass upon the sufficiency of the grounds stated for the removal of an elected officer by the modern method of a recall election."

PROCESS—EFFECT OF SERVING AN UNSIGNED SUMMONS.—An unsigned summons was served on defendant, but the cover of the summons was properly endorsed by plaintiff,s attorney, and attached to it was a copy of the complaint signed by plaintiff's attorney. The original summons was duly signed. Judgment was had against defendant by default. Motion by defendant to vacate the judgment and set aside the service of the summons for the reason that no summons had ever been served was denied. Affirmed, *Harvey* v. *Chicago & N. W. Ry. Co.* (Wis. 1912) 134 N. W. 839.

In Wisconsin it is provided by statute that the summons shall be subscribed by the plaintiff or his attorney. The court in the principal case said: "Defendant had the right to assume that the copy of the summons served was what it purported to be, a true copy of the original, and, *if* an unsigned summons is in fact no summons at all, then the court acquired no jurisdiction of the person of the defendant." There is a conflict as to the effect of want of proper signature, some courts holding the process absolutely void; others, voidable only. 32 CYC. 440, 441 and cases there cited. The conflict seems due to different interpretations of the legislative intent, some courts holding the statutes to be mandatory, others holding them to be directory merely. In *Mezchen* v. *More*, 54 Wis. 214, cited by the court in the principal case, it was held that a printed name at the end of a summons is equally as efficient as when written there. See 20 ENCYL. PL. & PR. 1125. And the court, in that case, said that the only object in requiring the name and address of the party or his attorney is to let the defendant know upon whom and where he can serve his papers in the action. Thus the court in the principal case held that the papers annexed to the summons gave the defendant sufficient notice, and that the omission of the defect was a mere irregularity and not jurisdictional. Minnesota, upon facts similar to those of the principal case, held the omission an irregularity only. *Lee* v. *Clark*, 53 Minn. 315; Iowa. *Contra*: *Hoitt* v. *Skinner*, 99 Iowa 360. Both cases are cited by the court in the principal case.

TRADE UNIONS—PROCURING DISCHARGE—ESTOPPEL.—Plaintiff, a foreman, refused to acquiesce in the demand of the union that all foremen join the union and pay an unfair initiation fee. Thereupon the members of the union struck. Later, at the superintendent's suggestion, the men working under the foreman voted on whether he should be retained or discharged. The foreman was present, and while he did not agree to abide by the result, he made no objection to the taking of the vote, which resulted in favor of his discharge, and in pursuance of which, the superintendent discharged him. *Held*, the strike being unjustifiable, the plaintiff had a right of action against all